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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **BEAR RIVER BAND OF**
9 **ROHNERVILLE RANCHERIA, a**
10 **federally recognized Indian tribal**
11 **government,**

12 **Plaintiff**

13 **v.**

14 **STATE OF CALIFORNIA, and GAVIN**
15 **NEWSOM IN HIS OFFICIAL**
16 **CAPACITY AS GOVERNOR OF**
17 **CALIFORNIA,**

18 **Defendants**

19 **CASE NO. 1:20-CV-1539 AWI SKO**

20 **ORDER RE: MOTION FOR LEAVE TO**
21 **FILE SEPARATE STATEMENT OF**
22 **UNDISPUTED FACTS**

23 **(Doc. 61)**

24 Tribal Plaintiff has filed an ex parte request to allow the filing of a Separate Statement of
25 Undisputed Facts. Doc. 61. This document was inadvertently omitted from the earlier filing of the
26 Motion for Summary Judgment. State Defendants oppose the request on the basis that it does not
27 meet the standard for granting an ex parte request for emergency relief. Doc. 63. While the ex
28 part emergency standard is not met, that goes to the form of the motion. This was a minor filing
mistake and there is no real surprise in this request. Allowing the additional filing would help to
maintain a complete record for analyzing the motion and for appeal.

29 The motion for leave to file a Separate Statement of Undisputed Facts is GRANTED.

30 State Defendants may file any additional response to the Separate Statement of Undisputed
31 Facts within thirty (30) of the filing of this order.

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1 IT IS SO ORDERED.
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3 Dated: March 31, 2022


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SENIOR DISTRICT JUDGE